

Timaru District Council

Easter Sunday Shop Trading Policy Review

Statement of Proposal

Reasons for policy review

1. The Shop Trading Hours Act 1990 was changed in 2016 to remove inconsistencies in the way Easter Sunday trading occurred across New Zealand. Generally, most shops were not allowed to trade on Easter Sunday except for those granted an exemption including:
 - a. Dairies;
 - b. Service stations;
 - c. Food takeaways, restaurants, cafes;
 - d. Souvenir shops;
 - e. Pharmacies; and
 - f. Garden centres.
2. The law change allowed territorial authorities to develop local Easter Sunday shop trading policies that allow shops (other than those already exempt) to open on Easter Sunday. These policies have to be reviewed every five years, in consultation with the community. Council is keen to undertake this review prior to Easter 2022.

Council's current policy

3. Timaru District Council adopted an Easter Sunday Shop Trading Policy in 2017, allowing shops to open on Easter Sunday if they choose to.
4. It is important to note that other regulations, including the sale of alcohol, still apply to Easter Sunday trading and that staff have the right to choose not to work on Easter Sunday.

What we are consulting on

5. While Council is proposing to keep the policy the same, we are keen to hear your views on whether this is the best option, or whether we should consider changing the policy. There are three options available:
 - a. Keep the policy as it is – Allow trading in the whole District on Easter Sunday;
 - b. Scrap the policy – Revoking the policy would mean that only those shops granted an exemption by the Shop Trading Act are allowed to trade.
 - c. Change the policy – allow trading on Easter Sunday only in specific parts of the District, eg Geraldine, or Timaru.

Advantages and Disadvantages of these options are:

Options	Advantages and Disadvantages
<p>Keep the policy as is</p> <p>Council's preferred option</p>	<p>This option would allow all shops within the Timaru District to continue to trade on Easter Sunday if they choose to do so.</p> <p>Council recognises the importance of the retail sector to the District, and this policy would allow shop owners the choice to open on Easter Sunday. Residents and visitors to the District would therefore have the option to shop if they choose to do so.</p> <p>A policy that applies across the whole District avoids any confusion about which shops will be able to open on Easter Sunday, and removes any element of perceived unfairness by having different rules for different parts of the district.</p> <p>The decision whether to trade on Easter Sunday remains with the shop owner.</p>
<p>Scrap the Policy</p>	<p>Under the Shop Trading Hours Act (the Act) 1990 only a limited range of shops are permitted to open on Easter Sunday. This option preserves limited retail trading on Easter Sunday.</p> <p>Repealing the policy will be seen as a benefit to some shop owners, residents and visitors, and employees for recreational and religious reasons.</p> <p>Others will equally see this as a disadvantage.</p>
<p>Change the policy</p>	<p>This option would allow shops to open in specified areas of the district.</p> <p>The disadvantages of this option are:</p> <ul style="list-style-type: none"> • the potential confusion about which shops can open • a perception that having different rules within the district is unfair on shop owners, shoppers, and employees

6. Council's existing policy is attached.

Easter Sunday Shop Trading Policy



Approved by: Timaru District Council

Date approved: 14 November 2017

1. Purpose

- 1.1. The purpose of this policy is to enable shops within the Timaru District to trade on Easter Sunday if they choose to. This policy neither requires shops to open, or individuals to shop on Easter Sunday.

2. Background

- 2.1. The Shop Trading Hours Amendment Act 2016 made provision for territorial authorities to adopt a local policy to permit shops in the whole or any part(s) of their district to trade on Easter Sunday.
- 2.2. Any such policy is made under the Shop Trading Hours Act 1990 Part 2 (Subpart 1).

3. Definitions

Shop: means a building, place, or part of a building or place, where goods are kept, sold, or offered for sale, by retail; and includes an auction mart, and a barrow, stall, or other subdivision of a market; but does not include:-

- a) a private home where the owner or occupier's effects are being sold (by auction or otherwise); or
- b) a building or place where the only business carried on is that of selling by auction agricultural products, pastoral products, and livestock, or any of them; or
- c) a building or place where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again (as per Shop Trading Hours Act 1990 Section 2).

Act Means the Shop Trading Hours Act 1990.

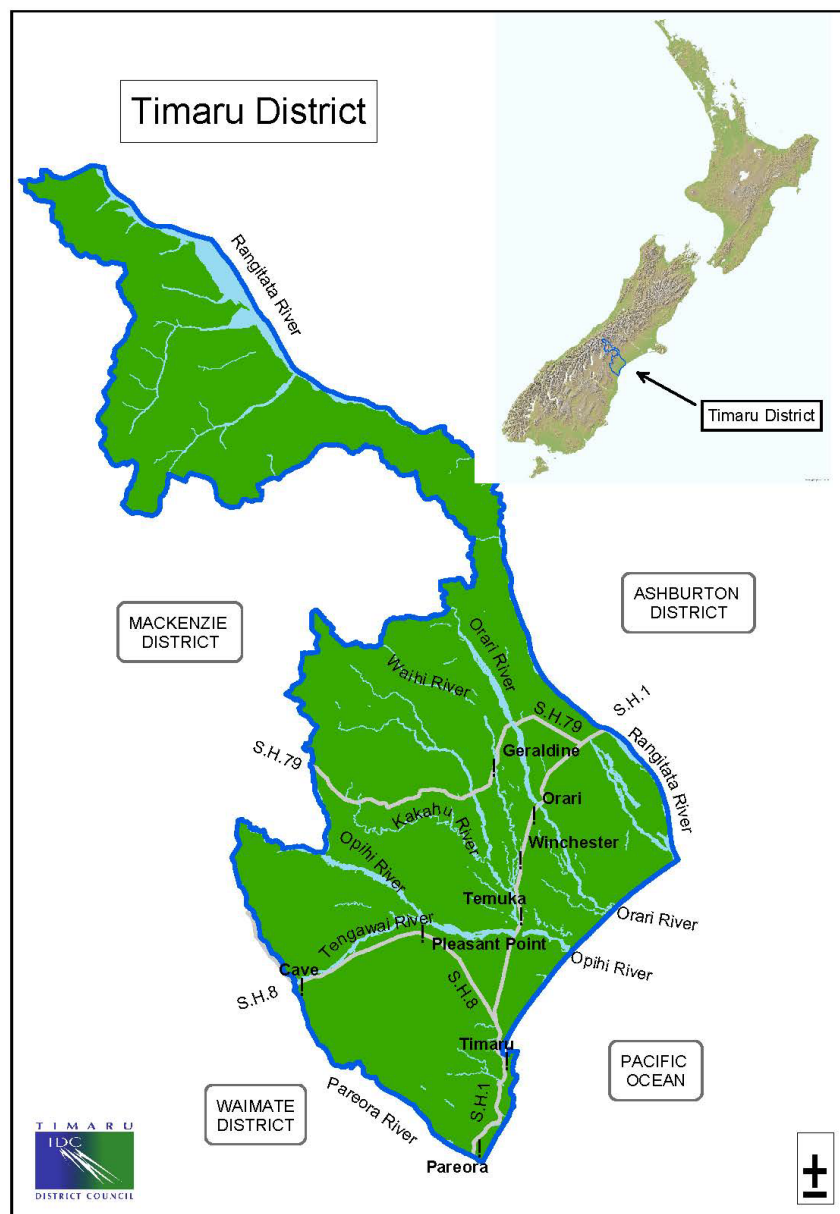
4. Policy

- 4.1. Shop trading is permitted on Easter Sundays throughout the Timaru District.
- 4.2. As provided in the Act, all shop employees have the right to refuse to work on Easter Sunday.

- 4.3. Council is not responsible for the enforcement of this policy. Enforcement is undertaken by the central government department responsible for the administration of the Act.
- 4.4. This Policy does not apply to the sale or supply of alcohol, which is regulated under the Sale and Supply of Alcohol Act 2012.
- 4.5. This Policy will be reviewed no later than 5 years after the date of adoption, as required by the Act.

5. Map of Timaru District

- 5.1. The map below shows the areas where Easter Sunday shop trading is allowed in accordance with this policy – ie. The whole District.



Have your say

1. Before Council makes a final decision on this Policy, we'd like to know your views or suggestions about the Policy.
2. The closing date for submissions is Friday 18 March 2022 at 5pm.
3. There are a number of ways to have your say:
 - a. Fill in the submission form on the next page and send it back to us at:
FreePost Authority Number 95136
Easter Sunday Policy Review
Timaru District Council
PO Box 522
Timaru 7940
 - b. Drop your completed form off at the Timaru District Council main office, or our service centres in Temuka or Geraldine
 - c. Visit www.timaru.govt.nz/tell-us/current-consultations to complete the online form
 - d. Email us your feedback – submission@timdc.govt.nz
 - e. Speak directly to Council at a public hearing on Tuesday 5 April 2022 – let us know by ticking the box on the submission form.
 - f. Or, get in touch with an elected representative. Contact details are available at www.timaru.govt.nz/council/elected-council-members

Timelines

Submissions open	16 February 2022
Submissions close	18 March 2022
Hearing (if required) and Council Meeting to consider feedback and decide on Easter Sunday Trading Policy	5 April 2022

Easter Sunday Shop Trading Policy Review Submission Form

Your Details

First Name: _____

Surname: _____

Organisation
(if applicable): _____

Phone: _____

Email address _____

Do you wish to speak to Council at the public hearing? Yes No

(Please contact Council by email submission@timdc.govt.nz or phone 03 687 7200 by to arrange a speaking time)

Your Views

Tell us which option you prefer

- Keep the policy as it is** – Allow trading in the whole District on Easter Sunday
- Scrap the policy** – Repealing the policy would mean that only those shops granted an exemption by the Shop Trading Act are allowed to trade.
- Change the policy** – allow trading on Easter Sunday only in specific parts of the District. Tell us which parts of the District you think should be allowed to trade.

Tell us why

Attach extra paper to submission if required

Privacy Statement

All submissions (including name and contact details) will be included in public documents, at Council offices and Libraries/Service Centres and on Council's website. Personal information will be used for submission administration purposes such as contacting you if you want to speak at the Council hearing.

All information is held by Council, and you have the right to access and correct personal information.